

July 31, 2019

Clerk, U.S. District Court  
District of Montana  
Great Falls Division

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIO GONZALEZ, JR.,

Defendant.

CR 09-112-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Julio Gonzalez, Jr. (Gonzalez) has been accused of violating the conditions of his supervised release. Gonzalez admitted the alleged violation. Gonzalez's supervised release should be revoked. Gonzalez should be placed in custody for 4 months, with 50 months of supervised release to follow.

**II. Status**

Gonzalez pleaded guilty to Conspiracy to Distribute Methamphetamine on July 7, 2010. (Doc. 52). The Court sentenced Gonzalez 71 months of custody, followed by 8 years of supervised release. (Doc. 57). Gonzalez's current term of supervised release began on June 10, 2019. (Doc. 84).

### **Petition**

The United States Probation Office filed a Petition requesting that the Court revoke Gonzalez's supervised release on June 25, 2019. (Doc. 84). The Petition alleged that Gonzalez had violated the conditions of his supervised release by failing to report to the United States Probation Office within 72 hours of his release from prison.

### **Initial appearance**

Gonzalez appeared before the undersigned for his initial appearance on July 30, 2019. Gonzalez was represented by counsel. Gonzalez stated that he had read the petition and that he understood the allegations. Gonzalez waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on July 30, 2019. Gonzalez admitted that he had violated the conditions of his supervised release by failing to report to the United States Probation Office within 72 hours of his release from prison. The violation is serious and warrants revocation of Gonzalez's supervised release.

Gonzalez's violation is a Grade C violation. Gonzalez's criminal history

category is III. Gonzalez's underlying offense is a Class B felony. Gonzalez could be incarcerated for up to 36 months. He could be ordered to remain on supervised release for up to 54 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 5 to 11 months.

### **III. Analysis**

Gonzalez's supervised release should be revoked. Gonzalez should be incarcerated for 4 months, with 50 months of supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Gonzalez that the above sentence would be recommended to Judge Morris. The Court also informed Gonzalez of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Gonzalez that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Gonzalez stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Julio Gonzalez, Jr. violated the conditions of his supervised release by

failing to report to the United States Probation Office within 72 hours of his release from prison.

The Court **RECOMMENDS:**

That the District Court revoke Gonzalez's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of 4 months, with 50 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 31st day of July, 2019.

  
John Johnston  
United States Magistrate Judge